

MISC. CIVIL APPLICATION NO. 383 OF 1994.

Date of decision: 11.12.1995.

For approval and signature

The Honourable Mr. Justice S. M. Soni

and

The Honourable Mr. Justice R. R. Jain

Mr. R.S. Pandya, advocate for petitioner.

Mr. A.J. Patel, advocate for respondent.

1. Whether Reporters of Local Papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

Coram: S.M. Soni & R.R. Jain, JJ.

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December 11, 1995.

Oral judgment (Per Soni, J.)

Non-compliance of the award passed by the competent authority under the Workmen Compensation Act is alleged in this case. For non-compliance thereof, it is prayed that necessary action be taken against respondent under the Contempt of Courts Act.

Workmen Compensation Act specifically provides for

execution of the award and contempt proceeding is not a substitute of execution as held by the Supreme Court in the case of the Alahar Co-operative Credit Service Society v. Sham Lal, reported in 1995 (2) GLH, 550.

In view of the above facts, case of the petitioner does not fall within the scope of clause (b) of Section 2 of the Contempt of Courts Act. Hence, the petition is not maintainable and deserves to be dismissed and is hereby dismissed. Rule discharged. No costs.